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**2011 Edition**

# Labor Law and the Family

A Guide to Resources in the Law Library

- “In assessing Daley’s claim that these statutes give rise to a clear public policy mandate in favor of family-friendly workplace policies, we note that the public policy exception to the at-will employment doctrine is a narrow one, and that we do not ‘lightly intervene to impair the exercise of managerial discretion or to foment unwarranted litigation . . . .’ **Absent unusual circumstances, we will interfere with a personnel decision only if it implicates an explicit statutory or constitutional provision, or judicially conceived notion of public policy.**” [Daley v. Aetna Life & Casualty Co.](#), 249 Conn. 766, 802-803, 734 A.2d 112 (1999) [emphasis added].

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**This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar. The online versions are for informational purposes only.**

**See Also:** Connecticut Department of Labor — Workplace Laws  
**<http://www.ctdol.state.ct.us/wgwkstnd/laws-regs/workplace-laws.htm>**

# Section 1: Employment of Minors

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources concerning issues involving child labor in Connecticut
- SEE ALSO:** [§ 2. Rights of parents to the wages and services of their children](#)
- CURRENCY:**
- 2011 Edition
- STATUTES:**
- CONN. GEN. STAT. (2011).
    - Chapter 168. School attendance and employment of children
      - [§ 10-193](#). Certificate Of Age For Minors In Certain Occupations
      - [§ 10-194](#). Penalty
      - [§ 10-195](#). Evidence of Age
      - [§ 10-197](#). Penalty for employment of minor child under fourteen
    - Chapter 319. Department of Children and Families
      - [§ 17a-8](#). Custody of children and youths committed as delinquent to commissioner; term, escape, violation of parole, return to custody. Vocational parole.
    - Chapter 422. Department of Agriculture
      - [§ 22-13](#). Employment of minors in agriculture.
      - [§ 22-14](#). Birth Certificate or Agricultural Work Permit Required.
      - [§ 22-16](#). Employer of more than fifteen affected. Employment of member of immediate family.
    - Chapter 545. Liquor Control Act
      - Part VII. Prohibited acts, penalties, and procedures
        - [§ 30-81](#). No person who is, by statute or regulation, declared to be an unsuitable person to hold a permit to sell alcoholic liquor shall be allowed to have a financial interest in any such permit business. Except as provided in section 30-90a, no minor shall be employed in any premises operating under a tavern permit in any capacity or in handling any alcoholic liquor upon, in delivering any alcoholic liquor to, or in carrying or conveying any alcoholic liquor from, any permit premises.
        - [§ 30-90a](#). Employment of minors. Permits held by, and financial interests of, persons over eighteen on July 1, 1982, not affected.
    - Chapter 557. Employment regulations
      - Part I. Hours of labor
        - [§ 31-12](#). Hours of labor of minor, elderly and handicapped persons in manufacturing or mechanical establishments.
        - [§ 31-13](#). Hours of labor of minors, elderly and handicapped persons in mercantile establishments.
        - [§ 31-14](#). Night work of minors regulated.
        - [§ 31-15](#). Penalty.
        - [§ 31-16](#). Night work in messenger service.
        - [§ 31-18](#). Hours of labor of minors, elderly and handicapped persons in certain other establishments.
        - [§ 31-23](#). Employment of minors prohibited in certain occupations.

Exceptions.

[§ 31-24](#). Hazardous employment of children forbidden.

[§ 31-25](#). Operation of elevators by minors.

Chapter 558. Wages

Part I. Minimum wages

[§ 31-58a](#). Minimum wage for minors in government or agricultural employment.

- UNITED STATES CODE (2011).  
Title 29 Labor  
[§§ 201-262](#). Fair Labor Standards Act  
§ 203(l). “Oppressive child labor” defined  
§ 211. Collection of data  
(a) Investigation and inspection  
§ 212. Child labor provisions

### **REGULATIONS:**

- REGULATIONS OF CONNECTICUT STATE AGENCIES (2011).  
Title 31 Labor  
§ 31-23-1. Employment of minors (rev. 3-99).
- CODE OF FEDERAL REGULATIONS (2010).  
Title 29 Labor  
[Part 570](#). Child labor regulations, orders and statements of interpretation  
Subpart B—Certificates of age  
Subpart C—Employment of minors between 14 and 16 years of age (Child Labor Reg. 3)  
Subpart E—Occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being  
Part 575. Waiver of child labor provisions for agricultural employment of 10 and 11 year old minors in hand harvesting of short season crops  
Part 579. Child labor violations—civil money penalties

### **LEGISLATIVE:**

- John Moran, *Legislative History of State Law Permitting 15 Year Olds to Work*, Office of Legislative Research Report No. [2007-R-0629](#) (November 23, 2007).
- JOHN MORAN, *EMPLOYMENT OF 14- AND 15- YEAR OLDS IN CONNECTICUT COMPARED TO FEDERAL LAW*, Office of Legislative Research Report No. [2008-R-0330](#) (May 30, 2008).

### **FORMS:**

- 9B [AM. JUR. LEGAL FORMS](#) 2D (2002).  
Chapter 144. Infants  
§ 144.15. Parent’s consent to employment of minor and relinquishment of right to earnings
- 13C [AM. JUR. LEGAL FORMS](#) 2D (2002).  
Chapter 191. Parent & Child  
§ 191:52. Consent to employment of minor  
§ 191:53. Consent to employment of minor—Provision—release of claims for damages  
§ 191:54. Guaranty by parents—Performance of minor’s obligations under employment contract

- § 191:56. Notice to employer of minor—Parent’s claim of wages due minor
- § 191:57. Notice to employer of minor—Parents’ relinquishment of right to wages due minor
- § 191:58. Parents’ assignment of right to minor’s wages to guardian of estate
- § 191:59. Parent’s agreement to relinquish control of minor child and right to child’s earnings.

#### **CASES:**

- *Saccente v. LaFlamme*, No. CV01-00756730 (Conn. Super. Ct., Tolland at Rockville, Jul. 11, 2003), 35 Conn. L Rptr 174, 2000 WL 31687214 (Conn. Super. 2002). “Similarly, in *Blancato v. Feldspar Corporation*, 203 Conn. 34, 52 A.2d 1235 (1987), cited by the plaintiff the court allowed a minor to avoid an employment contract but only where he had been illegally employed in violation of the child labor laws.”
- *Blancato v. Feldspar Corporation*, 203 Conn. 34, 40, 522 A.2d 1235 (1987). “We agree with the view set forth by the Supreme Court of Alaska in *Whitney-Fidalgo Seafoods, Inc. v. Beukers*, 554 P.2d 250, 253 (Alaska 1976), that ‘[t]he child labor laws . . . are premised in part on the notion that a child is not competent to assess the risks of personal injury and exploitation attendant in the performance of hazardous activities. Where one party to an agreement possesses a legal disability of this type, we will not permit the other, who occupies a superior bargaining position, to raise the agreement as a shield against the child’s common law suit.”
- *Goodnow v. Bates*, Superior Court, Judicial District of Danbury, Docket No. 295634 (May 8, 1992). “The clear impact of *Blancato* is that the plaintiff has an election of remedies, either to affirm the illegal employment contract and accept workers’ compensation benefits, or to reject it and bring a common law tort action . . . This is a clear situation of election of remedies and ratification of the illegal employment contract.”

#### **WEST KEY NUMBERS:**

- *Infant* # 14. Regulation of employment and education

#### **DIGESTS:**

- ALR DIGEST: *Labor* §129. Children and women
- U.S. SUPREME COURT DIGEST L.ED 2D:  
Labor §3. Labor law generally—women and children

#### **INDICES:**

- ALR: *Child labor*

#### **ENCYCLOPEDIAS:**

- 30 *C.J.S. Employers’ Liability* (2007).  
§ 50. As to inexperienced or minor employees  
§ 62. Minors employed in violation of statutory prohibition or regulation  
§ 64. —Right or cause of action  
§ 65. —Defenses
- 42 *AM JUR 2D Infants* (2010).  
§ 54. Generally  
§ 55. Sports or entertainment services  
§ 56. Employment of others by infant
- Annotation, *Workers’ Compensation Statutes as Barring Illegally Employed Minor’s Tort Actions*, 77 ALR4th 844 (1990).
- Frank D. Wagner, Annotation, *Child Labor - Lawn Mowing*, 56 ALR3d

1166 (1974).

- Allan L. Schwatz, Annotation, *Validity, Construction, Application, And Effect Of Child Labor Provisions Of Fair Labor Standards Act (29 United States Code §212 And Related Sections)*, 21 ALR Federal 391 (1974).
- Michael Lepp, Annotation, *Infant's Liability For Services Of An Employment Agency*, 41 ALR4th 1075 (1972).
- Annotation, *Enforceability Of Covenant Not To Compete In Infant's Employment Contract* (1968).

#### **PAMPHLETS:**

- CHECKLIST FOR EMPLOYMENT OF MINORS IN THE STATE OF CONNECTICUT, Connecticut Department of Labor, Wage & Workplace Standards Division (2010).  
URL <http://www.ctdol.state.ct.us/wgwkstnd/minors/wgminors.htm>
- CHECKLIST FOR MINORS APPLYING FOR STATEMENT OF AGE/WORKING PAPERS, Connecticut Department of Labor, Wage & Workplace Standards Division (2010).  
URL <http://www.ctdol.state.ct.us/wgwkstnd/minors/wgwrkpap.htm>
- PROHIBITED OCCUPATIONS AND PLACES OF EMPLOYMENT FOR ALL MINORS UNDER THE AGE OF 18 YEARS, Connecticut Department of Labor, Wage & Workplace Standards Division (2010).  
URL <http://www.ctdol.state.ct.us/wgwkstnd/minors/wg18yrs.htm>
- PROHIBITED PLACES OF EMPLOYMENT FOR 14 & 15 YEAR-OLDS, Connecticut Department of Labor, Wage & Workplace Standards Division (2001).  
URL <http://www.ctdol.state.ct.us/wgwkstnd/minors/wg14no.htm>
- PERMITTED OCCUPATIONS FOR 14 & 15 YEAR-OLDS, Connecticut Department of Labor, Wage & Workplace Standards Division (2010).  
URL <http://www.ctdol.state.ct.us/wgwkstnd/minors/wg14yes.htm>
- TIME & HOUR RESTRICTIONS FOR 16 & 17 YEAR-OLD MINORS (BY INDUSTRY), Connecticut Department of Labor, Wage & Workplace Standards Division (2010).  
URL <http://www.ctdol.state.ct.us/wgwkstnd/minors/wgtime.htm>

#### **TEXTS & TREATISES:**

- JEFFREY L. HIRSCH, [LABOR & EMPLOYMENT IN CONNECTICUT: A GUIDE TO EMPLOYMENT LAWS, REGULATIONS AND PRACTICE](#) (2d ed. 2000).  
Chapter 1. Hiring  
§1-8. Hiring of minors—Child Labor  
(a). Coverage  
(b). Permissible employment  
(c). Hours  
(d). Employment forms  
(e). Penalties
- JAY S. SEIGEL ET AL. [CONNECTICUT LABOR & EMPLOYMENT LAW](#) (3rd ed. 2004).  
Chapter 2. Wage and hour provisions by Shawn P. Coyne  
Part V. Child Labor Laws, pp. 108-114  
A. Introduction, p. 108  
B. Prohibited occupations, pp. 108-111  
C. Prohibited activities, p. 111  
D. Restrictions on hours of work, pp. 111-114  
E. Exemption from child labor laws, p. 114  
F. Proof of age, p. 114  
G. Violations, p. 114
- 14 STEPHEN B. HARRIS, [CONNECTICUT PRACTICE SERIES](#), CONNECTICUT

EMPLOYMENT LAW (2005).

§ 5:10. Child labor laws

1. Federal law
2. Connecticut law

- 2 DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (2d ed. 2005).  
Chapter 19. Child labor laws
  - § 19.03. Ages of employment under federal child labor laws—  
Generally
  - § 19.08. Federal laws—Hours of employment
  - § 19.09. Federal laws—Penalties and remedies
  - § 19.11. State laws—Minimum age provisions
  - § 19.12. State laws—Maximum hours provisions
  - § 19.13. State laws— Hazardous employment restrictions
  - § 19.14. Defenses and arguments made by violators

**PERIODICALS:**

- Jeremy S. Sosin, *The Price Of Killing A Child: Is The Fair Labor Standards Act Strong Enough To Protect Children In Today's Workplace?* 31 VAL. U.L. REV. 1181 (1997).
- *Constitutionality Of Laws Regulating Hours Of Labor Of Minors And Women*, 17 YALE LAW JOURNAL 536 (1908).

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# Section 2: Rights of Parents to the Wages and Services of Their Children

*A Guide to Resources in the Law Library*

## **SCOPE:**

Bibliographic resources relating to parents' rights to the services and wages of their minor children including voluntary relinquishment or assignment.

## **FORMS:**

- 9B [AM. JUR. LEGAL FORMS](#) 2D (2002 revision).  
Chapter 144. Infants  
§ 144:15. Parent's consent to employment of minor and relinquishment of right to earnings
- 13B [AM. JUR. LEGAL FORMS](#) 2D (2002 revision).  
Chapter 191. Parent & Child  
§ 191:52. Consent to employment of minor  
§ 191:53. Consent to employment of minor—Provision—release of claims for damages  
§ 191:54. Guaranty by parents—Performance of minor's obligations under employment contract  
§ 191:56. Notice to employer of minor—Parent's claim of wages due minor  
§ 191:57. Notice to employer of minor—Parents' relinquishment of right to wages due minor  
§ 191:58. Parents' assignment of right to minor's wages to guardian  
§ 191:59. Parent's agreement to relinquish control of minor child and right to child's wages

## **CASES:**

- [Broker v. Kolynos Co.](#), 14 Conn. Supp. 331, 333-334 (1946). "The test of the measure of dependency, as well as that of the fact of dependency, upon a minor child by a parent is not the net financial benefit to him or her arrived at by deducting from the earnings turned over the cost of maintaining him and furnishing him with reasonable amounts of spending money, but the average weekly sum from or constituting his earnings actually paid over to the parent by the child."
- [Draus v. International Silver Co.](#), 105 Conn. 415, 419-420, 135 A. 437 (1926). "The obligations of a minor to his parents are obedience and subjection, and his earnings, if any; while those of the parents are protection, education and support. This was true at common law, so far as the father was concerned, and these obligations are strictly reciprocal."
- [McDonald v. Great Atlantic & Pacific Tea Co.](#), 95 Conn. 160, 166, 111 A. 65 (1920). "The father is entitled to the earnings of his minor son so long as the son continues as a member of his family and so long as the father fulfils the parental obligation toward his son."
- [Kenure v. Brainerd & Armstrong Co.](#), 88 Conn. 265, 267, 91 A. 185 (1914). "It is true, as claimed by the defendant, that the plaintiff's time and services during her minority belonged to her father, unless she had been emancipated



by him. But the father, by emancipating her, could permit her to appropriate her time and services to herself, or might waive his right to payment for such services or to damages for being deprived of them by the defendant's negligence. It does not appear that he had in fact emancipated her prior to her injuries complained of. But he brings this action as next friend of the plaintiff. Among the damages sought to be recovered are loss of earning capacity and inability to work for a year following her injury, and moneys expended in being cured. The right to recover for these, the plaintiff being a minor, was in the father and not in her. Unless she had been emancipated he was liable for the expenses of her cure, and was entitled to the damages if her injuries incapacitated her for work and lessened her earning capacity."

**WEST KEY  
NUMBERS:**

- *Parent & Child* #5. Services and earnings of child
  - (1) right to child's services and earnings in general
  - (2) notice or demand to child's employer
  - (3) voluntary relinquishment or assignment of right
  - (4) termination, loss or forfeiture of right
  - (5) contracts for service
- *Parent & Child* #6. Actions for services or wages of child

**DIGESTS:**

- ALR DIGEST *Parent and child*  
§ 4. Right to child's services and earnings

**ENCYCLOPEDIAS:**

- 59 [AM JUR 2D](#) *Parent and Child* (2002).  
III. Parental rights and duties in general  
C. Services and earnings of child  
§ 41. Generally  
§ 42. Rights of respective parents
- 67A [C.J.S.](#) *Parent and Child* (2002).  
IV. Services and earnings of child (§§ 262-269)  
A. In general  
§ 262. Rights of parents in general  
§ 263. Specific rights of mother and father  
§ 264. Relinquishment of parents' rights  
§ 265. Termination, loss, or forfeiture of parents' right  
§ 266. Right of child to compensation for services to parent  
B. Action for services  
§ 267. Generally  
§ 268. Evidence  
§ 269. Trial; Amount of recovery
- Annotation, *What Voluntary Acts Of Child, Other Than Marriage Or Entry Into Service, Terminate Parent's Obligation To Support*, 55 ALR5th 557 (1998).
- Annotation, *Income Of Child From Other Sources As Excusing Parent's Compliance With Support Provisions Of Divorce Decree*, 39 ALR3d 1292 (1971).

**TEXTS &  
TREATISES:**

- RALPH H. FOLSOM & GAYLE B. WILHELM, [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3D (2005).  
Chapter 3. Guardianship  
§ 3.3. Parent and child—Right to services and earnings, effects of emancipation

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# Section 3: Family Medical Leave

*A Guide to Resources in the Law Library*

## **SCOPE:**

Bibliographic references related to Connecticut employers' policies on family leave including Connecticut's and federal Family and Medical Leave Acts.

## **DEFINITION:**

- **Brief Overview:** "Because we previously have not addressed the state and federal leave laws in detail, we begin with a brief overview of their history and framework. The Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq. (FMLA), is a federal statute that was enacted in response to 'serious problems with the discretionary nature of family leave. . . .' *Nevada Dept. of Human Resources v. Hibbs*, 538 U.S. 721, 732, 123 S.Ct. 1972, 155 L.Ed.2d 953 (2003). Specifically, Congress was concerned that, 'when the authority to grant leave and to arrange the length of that leave rests with individual supervisors, it leaves employees open to [discretionary and possibly unequal treatment].' (Internal quotation marks omitted.) *Id.* Accordingly, to avoid forcing employees to choose between their family responsibilities and job security, and to help employees 'balance the demands of the workplace with the needs of families,' FMLA entitles eligible employees to a certain amount of unpaid leave to attend to family responsibilities. 29 U.S.C. § 2601 (b) (1). [Cendant Corp. v. Commissioner of Labor](#), 276 Conn. 16, 22-23, 883 A.2d 789 (2005).
- "To varying degrees, each of these statutes regulates workplace conduct. Specifically, the **Connecticut Family and Medical Leave Law** allows employees up to sixteen weeks of unpaid leave for the birth of a child and proscribes retaliation for requesting leave. See General Statutes §§ 31-51nn through 31-51pp. The **Federal Family and Medical Leave Act of 1993**, which is intended 'to balance the demands of the workplace with the needs of families,' provides for similar benefits. See 29 U.S.C. § 2601 (b)(1). Section 46a-60 (a)(7) provides a wide range of protections for pregnant women who wish to continue working during pregnancy and maintain their jobs and benefits thereafter. That statute prohibits an employer from terminating a woman's employment 'because of her pregnancy' or from refusing to grant a 'reasonable leave of absence for disability resulting from her pregnancy. . . .' General Statutes § 46a-60 (a)(7). Finally, § 17a-101 (a) establishes an important public policy to 'protect children whose health and welfare may be adversely affected through injury and neglect,' and sets forth the child abuse reporting and investigation obligations of certain health care professionals. None of these statutes requires that an employer accommodate employee requests for flexible work schedules." [Daley v. Aetna life & Casualty Co.](#), 249 Conn. 766, 802, 734 A.2d 112 (1999). (Emphasis added)
- **Eligible employee:** "means an employee who has been employed (A) for at least twelve months by the employer with respect to whom leave is requested; and (B) for at least one thousand hours of service with such employer during the twelve-month period preceding the first day of the

leave . . . . “ CONN. GEN. STAT. [§ 31-51kk](#)(1) (2011)

- **Employer:** “means a person engaged in any activity, enterprise or business who employs seventy-five or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer, but shall not include the state, a municipality, a local or regional board of education, or a private or parochial elementary or secondary school. The number of employees of an employer shall be determined on October first annually . . . .” CONN. GEN. STAT. [§ 31-51kk](#)(4) (2011)
- **Spouse:** “means a husband or wife, as the case may be.” CONN. GEN. STAT. [§ 31-51kk](#)(12) (2011)
- **Son or daughter:** “means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability . . . .” CONN. GEN. STAT. [§ 31-51kk](#)(11) (2011)

#### **STATUTES:**

- CONN. GEN. STAT. (2011)  
Family and Medical Leave.  
[§ 31-51kk](#). Family and medical leave: Definitions  
[§ 31-51ll](#). Family and medical leave: Length of leave; eligibility; intermittent or reduced leave schedules; substitution of accrued paid leave; notice to employer.  
[§ 31-51mm](#). Family and medical leave: Certification.  
[§ 31-51nn](#). Family and medical leave: Employment and benefits protection.  
[§ 31-51oo](#). Family and medical leave: Confidentiality of medical records and documents.  
[§ 31-51pp](#). Family and medical leave: Prohibited acts, complaints, rights and remedies.  
[§ 31-51qq](#). Family and medical leave: Regulations, report.  
[§ 31-51ss](#). Leave from employment for victims of family violence. Action for damages and reinstatement.

#### **PUBLIC ACTS:**

- 2004 Conn. Acts 257 § 50 (technical amendments)
- [2010 Conn. Acts 88](#)
- [2010 Conn. Acts 144](#)

#### **LEGISLATIVE:**

- Janet L. Kaminski, *Paid Family Medical Leave or Mandated Disability Benefits*. Office of Legislative Research Report No. [2005-R-0587](#) (August 4, 2005).
- John Moran, *Family and Medical Leave and Workers' Compensation*. Office of Legislative Research Report No. [2005-R-0925](#) (December 22, 2005).  
“You asked if an employer can make an employee’s time out on workers’ compensation count as family and medical leave.”
- Benjamin H. Hardy, *Family and Medical Leave*, Office of Legislative Research Report No. [99-R-0722](#) (June 29, 1999).  
"which states mandate paid leave under family and medical leave acts (FMLAs) . . . . how FMLA leave works in Connecticut, and how many people have used it here."

- Laura Jordan, *Pros And Cons Of Expanding State's Family And Medical Leave Laws*, Office of Legislative Research Report No. [98-R-1404](#) (December 14, 1998).  
     “what arguments could be made for and against a proposal to expand the state's Family and Medical Leave (FML) law to include employers with 25 or more employees.”

#### **COURT CASES:**

- Cendant Corp. v. Commissioner of Labor, No. CV 03-0520241S (Conn. Super. Ct., New Britain at New Britain, Mar. 9, 2004), 2004 WL 574880. “The commissioner recognized that ‘[c]ourts construing the FMLA have noted that an employee may bring two types of claims under the FMLA . . . First, an employee can bring a claim that her employer refused to provide her with an FMLA benefit to which she was entitled, such as reinstatement to her former position or an equivalent position upon her return from FMLA leave. The employee can also bring a claim that her employer discriminated against her because she took FMLA leave under the FMLA's anti-discrimination provision.’ (Final Decision, Record at 78, pp. 22-23.)”
- Daley v. Aetna Life & Casualty Co., 249 Conn. 766, 804, 734 A.2d 112 (1999). “We recognize the important public policy embodied in the express provisions of the Connecticut Family and Medical Leave Law, the federal Family and Medical Leave Act of 1993, and §§ 46a-60 (a)(7) and 17a-101 (a), and underscore every employer's duty to comply with those provisions. None of these statutes, however, expressly obligates an employer to accommodate an employee's work-at-home requests, or to refrain from taking adverse action against an employee who persists in her efforts to secure such an arrangement. In declining to recognize an important public policy to that effect, we are mindful that we should not ignore the statement of public policy that is represented by a relevant statute . . . Nor should we impute a statement of public policy beyond that which is represented. To do so would subject the employer who maintains compliance with express statutory obligations to unwarranted litigation for failure to comply with a heretofore unrecognized public policy mandate. See *Antinerella v. Rioux*, 229 Conn. [479,]492 [642 A.2d 699 (1994)] (absent clear breach of public policy, ‘[t]he employer must be allowed to make personnel decisions without fear of incurring civil liability’). Accordingly, we affirm the judgment in favor of the defendants on the claim of wrongful discharge.”

#### **ENCYCLOPEDIAS:**

- James E. Lockhart, Annotation, *What Constitutes Substantial Limitation On Major Life Activity Of Caring For Oneself For Purposes Of Americans With Disabilities Act* (42 U.S.C.A. §§ 12101 To 12213), 192 ALR Federal 483 (2004).
- Shauna Cully Wagner, Annotation, *Discrimination Against Pregnant Employee As Violation Of State Fair Employment Laws*, 99 ALR5th 1 (2002).
- Kurtis A. Kemper, Annotation, *Immunity Of States In Private Actions For Damages Under Family And Medical Leave Act* (29 U.S.C.A. §§ 2601 et seq.), 180 ALR Federal 579 (2002).
- Deborah F. Buckman, Annotation, *Award Of Damages Under Family And Medical Leave Act* (29 U.S.C.A. §§ 2601 et seq.), 176 ALR Federal 591 (2002).
- Ann K. Wooster, Annotation, *Employees' Entitlement To Reinstatement Under § 104(A), (B) Of Family And Medical Leave Act* (29 U.S.C.A. § 2614(a), (b)), 175 ALR Federal 1 (2002).
- John A. Bourdeau, Annotation, *Establishing Employer's Discriminatory*

*Motive In Action To Recover For Employer's Retaliation For Employee's Exercise Of Rights Under Family And Medical Leave Act , In Violation Of § 105(a) Of Act (29 U.S.C.A. § 2615(a)), 190 ALR Federal 491 (2003).*

- Ann K. Wooster, Annotation, *Individual Liability Under Family And Medical Leave Act (29 U.S.C.A. §§ 2601 et seq.)*, 170 ALR Federal 561 (2001).
- Paula F. Wolff, Annotation, *What Constitutes "Serious Health Condition" Under § 101(11) Or § 102(A)(1)(D) Of Family And Medical Leave Act (29 U.S.C.A. §§ 2611(11), 29 U.S.C.A. § 2612(a)(1)(D))*, 169 ALR Federal 369 (2001).
- William D. Goren, Annotation, *Who Is Eligible Employee Under § 101(2) Of Family And Medical Leave Act (29 U.S.C.A. § 2611(2))*, 166 ALR Federal 569 (2000).
- Jennifer K. Wilson, Annotation, *Validity, Construction, And Application Of State Family-. Parental-. Or Medical –Leave Acts*, 57 ALR5th 477 (1998).

#### **TEXTS & TREATISES:**

- JEFFREY L. HIRSCH, [LABOR AND EMPLOYMENT IN CONNECTICUT: A GUIDE TO EMPLOYMENT LAWS, REGULATIONS AND PRACTICE](#) (2d ed. 2000).  
 Chapter 13. Family and medical leave  
     § 13-2. Federal Family and Medical Leave Act of 1993  
     § 13-3. The FMLA Regulations  
     § 13-4. Reasons an Employee Can Take FMLA Leave
- 14 STEPHEN B. HARRIS, [CONNECTICUT PRACTICE SERIES, CONNECTICUT EMPLOYMENT LAW](#) (2005).  
 Chapter 6. Leave of absence/time off  
     § 6:1. Connecticut FMLA
- JAY S. SEIGEL ET AL. [CONNECTICUT LABOR & EMPLOYMENT LAW](#) (3rd ed. 2004).  
 Chapter 8. Miscellaneous labor and employment statutes  
     II. Family leave provisions, p. 256  
         A. Overview of the federal Family and Medical Leave Act of 1993, pp. 257-264  
         B. Enforcement of the Federal FMLA, p. 264  
         C. Miscellaneous provisions of the Federal FMLA, p. 267  
         D. Interaction of the Federal FMLA with the Connecticut FMLA, p. 267

#### **LAW REVIEWS:**

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- Michael N. Lavelle, *Family and Medical Leave: State and Federal Laws Raise Significant New Obligations for Connecticut Employers*, 19 CONNECTICUT LAW TRIBUNE, no. 46 (November 22, 1993), Corporate Counsel Supplement: "Labor and Employment Focus", p. 30.
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- Mastroianni & Fram, *Family And Medical Leave Act And The Americans With Disabilities Act: Areas Of Contrast And Overlap*, 9 LABOR LAWYER 553 (Fall 1993).
- Alan I. Scheer, *Reconciling the Differences: Understanding the State and Federal Family and Medical Leave Act*, 5 CONNECTICUT LAWYER. 18 (November 1994).

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**Table 1: Emergency Phone Calls to Family Member at Work**

<b>CONN. GEN. STATS. (2011) § <a href="#">31-51jj</a> Notice to employees of incoming emergency telephone calls</b>	
<p>(a) For purposes of this section:</p> <p>(1) "Emergency" means a situation in which a member of the employee's family has died, experienced a serious physical injury or is ill and in need of medical attention; and</p> <p>(2) "Member of the employee's family" means a mother, father, husband, wife, son, daughter, sister or brother of the employee.</p> <p>(b) An employer shall notify an employee of an incoming emergency telephone call for the employee if the caller states that the emergency involves a member of the employee's family or a person designated by the employee in accordance with section 1-56r. It shall not be a violation of this section if the employer proves, by a preponderance of the evidence, that he or she made reasonable efforts to notify the employee of the emergency telephone</p> <p>(c) The failure of an employer to comply with any provision of this section shall be an infraction.</p> <p>(P.A. 93-347; P.A. 02-105 § 10.)</p> <p><i>See also:</i></p>	
<p><b>CONN. GEN. STATS. § <a href="#">1-56r</a> (2011)</b></p> <p><b>Designation of person for decision-making and certain rights and obligations.</b></p> <p>(a) Any person eighteen years of age or older may execute a document that designates another person eighteen years of age or older to make certain decisions on behalf of the maker of such document and have certain rights and obligations with respect to the maker of such document under section 1-1k, subsection (b) of section 14-16, subsection (b) of section 17a-543, subsection (a) of section 19a-279c, section 19a-550, subsection (a) of section 19a-571, section 19a-580, subsection (b) of section 19a-578, section 31-51jj, section 54-85d, section 54-91c, section 54-126a or chapter 968.</p> <p>b) Such document shall be signed, dated and acknowledged by the maker before a notary public or other person authorized to take acknowledgments, and be witnessed by at least two persons. Such document may be revoked at any time by the maker, or by a person in the maker's presence and at the maker's direction, burning, canceling, tearing or obliterating such document or by the execution of a subsequent document by the maker in accordance with subsection (a) of this section.</p> <p>c) Any person who is presented with a document executed in accordance with this section shall honor and</p>	

give effect to such document for the purposes therein indicated.

(P.A. 02-105, S. 3; P.A. 03-278, S. 3; P.A. 10-123, S. 25.)

**Table 2: Legislative History in the Courts: Connecticut Family & Medical Leave Act**

<b>Connecticut Family &amp; Medical Leave Act</b>	
<a href="#">Cendant Corp. v. Commissioner of Labor</a> , 276 Conn. 16, 23, 883 A.2d 789 (2005)	“The Connecticut leave statute is our state analogue to FMLA. Although this state originally had passed family leave legislation prior to the passage of FMLA, the legislature made a concerted effort to harmonize the state and federal leave provisions following the passage of FMLA in 1993. 39 H.R. Proc., Pt. 11, 1996 Sess., p. 3752. The legislature's initiative is reflected in an explicit statutory directive in the leave statute that ensures that its provisions will be interpreted to be consistent with FMLA. General Statutes § 31-51qq directs the commissioner to adopt regulations implementing the leave statute, and, in doing so, "[to] make reasonable efforts to ensure compatibility of state regulatory provisions with similar provisions of the federal [FMLA] and the regulations promulgated pursuant to said act." The statute's legislative history underscores the importance of harmonizing the state and federal leave provisions. During floor debate in the House of Representatives on the underlying bill, Representative Michael Lawlor noted that the bill would "merge the standards of both the federal and state family leave laws so as to reduce confusion to employers and employees in Connecticut who are affected by either of these two laws." (Emphasis added.) 39 H.R. Proc., Pt. 11, 1996 Sess., pp. 3752-53. Accordingly, FMLA jurisprudence guides our interpretation of the provisions of the leave statute.